

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

3 MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 THOMAS A. COLTHURST (CABN 99493)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408)-535-5065
Fax: (408)-535-5066
E-Mail: tom.colthurst@usdoj.gov

8 Attorneys for United States of America
9

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,) No. 10-CR-00824-DLJ
15 Plaintiff,)
16 v.) STIPULATION AND []
17 DAVID MARTINEZ,) ORDER CONTINUING HEARING DATE
18 Defendant.)
19
20

21 The defendant DAVID MARTINEZ, represented by Graham E. Archer, Esq., and the
22 government, represented by Thomas A. Colthurst, Assistant United States Attorney, respectfully
23 request that the sentencing hearing currently scheduled for March 22, 2012, be continued to
24 April 26, 2012.

25 On February 14, 2011, DAVID MARTINEZ pleaded guilty plead guilty to possessing
26 with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and
27 841(b)(1)(C). He has been detained since he was arrested on November 15, 2010.

28 The parties are requesting that his sentencing hearing be reset to April 26, 2012. This

1 will be an evidentiary hearing, and the parties are still gathering and exchanging discovery
2 relevant to this hearing. In particular, counsel for the defendant requests more time for
3 preparation. The government requests the date of April 26 because that is a date on which both
4 the forensic chemist and the DEA case agent are available.

5 No other defendants are affected by this request.

6 || SO STIPULATED:

7

8 || Dated: March 15, 2012

/S/
Thomas A. Colthurst
Assistant United States Attorney

10

11

12 || Dated: March 15, 2012

/S/
Graham E. Archer, Esq.
Attorney for Defendant

12

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the sentencing
15 hearing for *United States V. David Martinez*, scheduled for March 22, 2012, is continued to
16 April 26, 2012, at 10:00 a.m.

17

18

19 DATED: NOV 11 1968

Dawn Evans

2

2